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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,913	12/19/2001	Keith Glen Fife	SCM-001	5507

8791 7590 01/25/2006

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EXAMINER

HANNETT, JAMES M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/024,913	Applicant(s) FIFE ET AL	
	Examiner James M. Hannett	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 38 is/are pending in the application.
- 4a) Of the above claim(s) 9-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 38 is/are rejected.
- 7) ☒ Claim(s) 1 and 4-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 9-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Groups I and II, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 11/3/2005.

Applicant's election with traverse of Group III in the reply filed on 11/3/2005 is acknowledged. The traversal is on the ground(s) that in the first office action, the examiner issued a restriction requirement. Applicant's response, filed on July 20, 2005, included an election of claims 1-18 and 38, without traverse. The applicant asserts that following an election without traverse, the examiner is required to examine the elected claims on the merits in compliance with MPEP 821.02. This is not found persuasive because the first restriction requirement was conducted by Jacqueline Wilson. The case was then reassigned to examiner James M. Hannett. Upon review of the case by examiner James M. Hannett, the examiner determined the original restriction requirement was not proper and subsequently performed a second restriction requirement in compliance with MPEP 811.02.

"Since 37 CFR 1.142(a) provides that restriction is proper at any stage of prosecution up to final action, a second requirement may be made when it becomes proper, even though there was a prior requirement with which applicant complied. *Ex parte Benke*, 1904 C.D. 63, 108 O.G. 1588 (Comm'r Pat. 1904)."

The requirement is still deemed proper and is therefore made FINAL.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Digital camera with power management subsystem in communication with a control subsystem.

Claim Objections

Claim 1 is objected to because of the following informalities: Claim 1, Line 3 refers to “the controlled subsystem” There is no antecedent basis for this in the Claim and should read “the control subsystem”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1: Claims 1-3 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN

5,963,255 Anderson et al.

2: As for Claim 1, Anderson et al teaches on Column 3, Lines 52-67 and depicts in Figure 1 a digital camera (10). Anderson et al depicts in Figure 4 and teaches on Column 6, Lines 34-67 the specifics of the control subsystem (20). Anderson et al depicts in Figure 4 a control subsystem (20) comprising a microprocessor (50). Anderson et al depicts in Figure 2 the specifics of the imaging subsystem (14). Anderson et al teaches an imaging subsystem (14) in communication with the controlled subsystem (20); and a power management subsystem (17) in communication with the control subsystem (20). Anderson et al depicts in Figure 3 and teaches

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on Column 5, Lines 29-58 the specifics of the power management subsystem (17). Anderson et al teaches power selection-isolation circuitry (75) for isolating at least two power sources (battery (74) and voltage from AC adapter); battery charging circuitry (AC adapter) in communication with the power selection-isolation circuitry (75); and a power arbitration circuitry (70) in communication with the power selection-isolation circuitry (75) and the battery charging circuitry (AC adapter).

3: In regards to Claim 2, Anderson et al teaches on Column 6, Lines 63-67 a user interface subsystem (60 and 18) for providing a camera status and initiating a camera function.

4: As for Claim 3, Anderson et al teaches on Column 9, Lines 18-42 the power arbitration circuitry (70) comprises: a camera wakeup generation module in communication with the user interface subsystem (60); and a failsafe reset module in communication with the wakeup generation module and the microprocessor (50).

5: In regards to Claim 38, Claim 38 is rejected for reasons discussed related to Claim 1, Since Claim 1 is substantively equivalent to Claim 38.

Allowable Subject Matter

6: Claims 4-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 5,949,218 Colles et al teaches the specifics of a power recharging circuit;

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USPN 5,534,804 Woo teaches the use of a CMOS power reset circuit using an inverter circuit and pull-up transistors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hannett whose telephone number is 571-272-7309.

The examiner can normally be reached on 8:00 am to 5:00 pm M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Yen Vu can be reached on 571-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett
Examiner
Art Unit 2612



JMH
January 23, 2006



NGOC-YEN VU
PRIMARY EXAMINER